

ENTERED

September 05, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANGEL MEDINA,

Plaintiff,

V.

BOBBY LUMPKIN, DIRECTOR, TEXAS §
DEPARTMENT OF CRIMINAL JUSTICE §
INSTITUTIONS DIVISION, §

Defendant.

[[[REDACTED]]]]

Civil Action No. 4:22-CV-03185

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the August 3, 2023 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 9). Judge Bray made findings and conclusions and recommended that Respondent’s Motion to Dismiss with Brief in Support, (Dkt. No. 6), be granted. (Dkt. No. 9). Judge Bray further recommended dismissing Plaintiff’s Complaint, (Dkt. No. 1), with prejudice and denying a certificate of appealability. (Dkt. No. 9).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

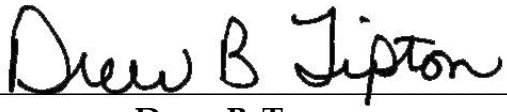
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Judge Bray's M&R, (Dkt. No. 9), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Respondent's Motion to Dismiss with Brief in Support, (Dkt. No. 6), is **GRANTED**.

It is SO ORDERED.

Signed on September 5, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE